

15. **18/0681/FUL – Roof alterations including part increase in ridge height; part two storey, part single storey rear extension; insertion of rear dormer and creation of lower ground floor level, and insertion of raised terrace and balcony to rear at 31 ASTONS ROAD, MOOR PARK for Mr Kinner Lakhani (DCES)**

Parish: Batchworth Community Council
Expiry of Statutory Period: 01.06.2018

Ward: Moor Park & Eastbury
Case Officer: Scott Volker

Recommendation: That Planning Permission be granted.

Reason for consideration by the Committee: This application is brought before the Committee as it has been called in by three Members of the Planning Committee.

1. Relevant Planning History

- 1.1 8/42/92 - Single storey front extension and two storey rear extension – Permitted 1992; implemented.
- 1.2 96/0909 - Two storey rear extension and installation of outdoor swimming pool – Withdrawn January 1997.
- 1.3 97/0171 - Two storey rear extension, installation of outdoor swimming pool and single storey summer house – Permitted April 1997; implemented.
- 1.4 00/01600/FUL - Erection of conservatory – Permitted February 2001; implemented.
- 1.5 17/1537/FUL - Roof alterations including part increase in ridge height and addition of rear dormers; two storey rear extension including first floor balcony; and creation of lower ground floor level – Withdrawn September 2017.
- 1.6 17/2500/FUL - Roof alterations including part increase in ridge height; part two storey, part single storey rear extension; insertion of rear dormer and creation of lower ground floor level – Withdrawn January 2018.

2. Description of Application Site

- 2.1 The application site is located on the eastern side of Astons Road, within the Moor Park Conservation Area. Astons Road is a residential street characterised by large detached residential dwellings. The application site has a plot frontage of approximately 33 metres and depth of 120 metres; levels on the site vary, with land sloping down from the front to the rear of the site. The dwelling is set back from the highway by approximately 25 metres.
- 2.2 The site is currently occupied by a large detached residential dwellinghouse and is a pre-1958 dwelling. The dwelling is a two-storey building with a mix of tile-hung and rendered exterior and a tiled pitched roof. The dwelling has benefitted from a two storey side extension which is set down from the main ridge of the original dwelling and includes a flat roof section.
- 2.3 The application site backs onto 38 Russell Road however there is a separation distance of approximately 120 metres between the rear elevations of these two properties. There are separation distances ranging between 5-6 metres between the application dwelling and numbers 29 and 33 Astons Road located to the north and south respectively. Extensive hedging and vegetation of varying height line the shared boundaries between the application site and these neighbouring properties.

2.4 The frontage of the site includes a carriage driveway which can accommodate off-street parking for at least four cars. The remainder of the site frontage is soft landscaped.

3. Description of Proposed Development

3.1 Full planning permission is sought for roof alterations including an extension in width to the main ridge of the original roof of the host dwelling; part increase in ridge height; part two storey, part single storey rear extension; insertion of rear dormer and creation of lower ground floor level.

3.2 The main roof of the original dwelling would be increased in width by 0.7 metres and would retain the same height as the main ridge.

3.3 A two storey rear extension is proposed which would replace the existing conservatory. It would have maximum depth of 6.1 metres at ground floor level and 5.2 metres at first floor level. The extension would have a maximum width of 9.1 metres and would have a maximum height of 10.2 metres, sloping down to an eaves height to match the host dwelling.

3.4 A ground floor rear extension is proposed measuring a maximum depth of 1.8 metres (this includes a bay window feature located at the southern corner of the dwelling). This ground floor extension would have a flat roof with a maximum height of 3.4 metres. The flat roof section would form a first floor balcony accessed from the first floor landing.

3.5 It is also proposed to construct a basement level under the host dwelling which would extend out at lower ground level for a depth of 4.5 metres from the rear elevation of the main dwelling. The roof of the lower ground floor extension would form a terrace. Glazing is proposed within the rear elevation and five toughened glass rooflights are proposed within the roof. The basement would contain a swimming pool, plant room, gym, entertainment room and toilets.

3.6 Three flat roof dormer windows are proposed within the rear roofslopes of the dwelling. Two would be located within the main roof, and one would be located within the set down roof section. The dormers would hold the same dimensions; measuring 1.2 metres in width, 1.5 metres in height and project 1.3 metres from the roofslope.

3.7 Minor alterations are proposed to the front elevation of the dwelling including an extension to the width of the mono-pitched roof above the front entrance by 3 metres. Alterations are also proposed to the internal layout of the dwelling.

3.8 Amended plans were received during the application process which made the following changes:

- The extension to the width of the ridge of the main dwelling has been reduced by 0.7 metres.
- The first floor balcony within the rear elevation has been reduced in width.
- The extent of glazing within the rear elevation serving the lower ground floor has been reduced.

4. Consultation

4.1 Statutory Consultation

4.1.1 Batchworth Community Council: [No comments received]

4.1.2 Moor Park 1958 Ltd: [Objection]

The Directors of Moor Park (1958) Limited would wish to raise the following **strong objections**, concerns and comments on the application proposals as follows:-

1. The current application follows the withdrawal by the applicant of TWO earlier schemes under ref 17/1537/FUL and 17/2500/FUL where strong, robust and well-founded material planning grounds (containing several elements of opposition) were cited by your own Conservation Officers and ourselves.

Indeed, the Council's Conservation Officer in his response to the latter application stated that "*The original pre-58 house would continue to be overwhelmed by the size of these proposals and I consider that this would still harm the special character and reductions should be sought.....*

Although these works are mainly to the rear of the property and will not be widely visible from the public realm, they will result in overbearing changes and as such will have a negative effect on the character and appearance of the Conservation Area".

Consequently, in the context of this latest set of submissions, and as a fundamental matter of planning principle, we are strongly of the view that the Council needs to be completely satisfied that each and every aspect of the reasons lying behind the need for the applicant to withdraw the previous applications, need to have been **fully** addressed and entirely overcome, in regard to this pre-58 dwelling in a designated Conservation Area, before considering whether there are sufficient merits to now grant planning permission in light of the very minor adjustments contained in this latest application.

We are firmly of the view that the previous objections/concerns and grounds for withdrawal **have not** all been overcome and you will note our specific objections and concerns as set out below, especially in the context to which these latest proposals still completely over-whelm, materially alter and over-dominate the scale, appearance and character of the original pre58 dwelling on this site.

To emphasise this point, taking account of all previous representations on both withdrawn schemes, we would invite the Council, for example, to look specifically again at the proposed rear elevation and compare it with the existing rear elevation.

Having done so, we would contend that any observation of the proposed changes in the current application to rear elevation alone reveals that no regard or respect whatsoever has been had in the latest application either (i) to the previous objections raised or (ii) to the clearly stated objectives of para 3.1 that are committed to protecting and retaining the scale, features, character or proportions of the entirety of pre-58 dwellings in the Conservation Area.

Consequently, a key question still remains to be addressed – i.e. how much of the original pre58 dwelling will genuinely remain, unaffected or unaltered, if this development were to proceed? On this point we would contend:-

- No part of the existing roof is unaffected by the proposed development viz:-
 - (i) the main (higher section) of the roof is still extended in length/bulk
 - (ii) the lower (subservient) section is still increased in height (driven by the extent of the fourth level accommodation that is being sought within the extended/heightened roof space)
 - (iii) the lower section of the existing roof shows an attractive half-hipped projection to be removed by is now proposed to be removed and replaced by a plain, unarticulated roof slope
 - (iv) the rear roof slopes still show dormers to be inserted plus
- none of the rear elevation will remain unaffected and the proposed new scale is overwhelming and substantially over-dominant
- the north side elevation will be materially increased in depth

- other aspects/parts of the front fenestration will be altered by virtue of changes to window locations and including the insertion of unacceptable high level windows in lieu of the existing entrance doorway
- little of the ground floor or first floor internal walls or layouts will remain
- plus, the ground beneath a very large part of the property is also to be developed in the form of a substantial basement

In our opinion the combination of all the above factors, demonstrate how close the proposals are to being tantamount to a replacement dwelling with the resultant loss of another pre58 dwelling on the estate.

In light of the above, the Council's case officer and senior managers are reminded of some of the key parts of the letter dated 27 December 2017 from the Council's Chief Executive to the Chairman of the Board of Moor Park (1958) Limited that relates to another (now former) pre58 dwelling on the Moor Park estate, that includes the following recognitions and commitments which we believe are **equally relevant to the current application** namely:-

"The Planning Officer's view....was that sufficient elements of the original house were to be retained. This was an exercise of planning judgement, but officers now accept that a different conclusion could have been reached: the extent of the works approved went beyond extensions and alterations and resulted in the substantial demolition of the house. I appreciate that the above decision cannot bring the house back and accept that your comments throughout previous applications refer to concerns about the level of demolition"

"As a consequence of such decisions, officers when validating planning applications ensure that proposals reflect the extent of demolition necessary, thereby ensuring that the description of development reflects that from the outset and is assessed on that basis.....to ensure that substantial demolition does not occur to pre1958 dwellings.....Furthermore, officers are also required to ensure that submitted plans clearly (without ambiguity) identify those walls which are to be removed to ensure the full extent of demolition can be accurately assessed from the outset....."

"...it is accepted that at the time further scrutiny may have resulted in the Council assessing the application on a different basis".

2. It is in the context of the above therefore that paragraph 3.1 of the approved Moor Park Conservation Area Appraisal (and accept that MPCAA) needs to be taken fully into account where it clearly states that the Council "will give high priority to retaining buildings which make a positive contribution to the....Conservation Area" and that, as a guide, the Council will seek the retention (and suitable protection) of buildings erected prior to 1958.

It is a clearly established fact that the application dwelling was erected before 1950 and consequently **this is a pre-1958 dwelling**. On this basis it is one of the original "founding" properties on the estate and consequently is deserving of the highest level of protection commensurate with the scarcity of buildings within the designated Conservation Area. The Council will be aware that this safeguarding approach to protecting the scarcity of pre58 dwellings has been confirmed in its own various refusals (and occasional appeal decisions) throughout the estate.

In our opinion the range and scale of the proposed extensions (albeit they are marginally 'scaled back' compared to the latter of the two recent withdrawn applications) will still fundamentally alter the design, bulk/massing, scale, character and appearance of the dwelling and consequently we wish to raise this as a **strong objection** in light of the provisions of para 3.1 of the approved MPCAA.

In our opinion the totality of the current development proposals, as summarised in the earlier set of bullet points above, fundamentally over-dominate and overwhelm the scale and appearance of the original dwelling, resulting in a detrimental effect on the character and appearance of the property and therefore which would materially undermine the "positive contribution" this pre58 dwelling has in the designated Conservation Area. We can see no merit or justification to promote or support a form of development that shows little or no respect for, and indeed results in material harm to, the scale, appearance and character of the original/existing dwelling.

In light of the above, we consider that the full provisions set out in para 3.1 (and 2.7) of the approved MPCAA need to be applied in the determination of this application, plus all those commitments and re-assurances made in the Chief Executive's letter.

We wish to make it very clear at this juncture that para 3.1 of the MPCAA requires that "high priority" must be given to "..retaining buildings..".

It categorically **does not** refer only to retaining or protecting bits and pieces of the front elevations or facades of these pre58 dwellings, but the **WHOLE** of the property/dwelling. It also requires, by definition, that only extensions and alterations that are designed to be sympathetic to the dwelling and that fully respects its scale, appearance and character should be supported.

Consequently, we would strenuously request that the Council examines the current application in the context of the totality of the works proposed and determines the application accordingly.

3. Para 3.4 of the MPCAA sets a maximum plot coverage of 15% and we have calculated that the current application, with its slightly reduced terrace, indicates a plot coverage (comprising the extended property and the raised terrace) at circa 14.8%, but clearly this will need to be closely checked by the Council.

In the interests of maintaining and preserving one of the very key aspects that defines the character and appearance of the Moor Park Conservation Area, in terms of the openness and the generally low level of development on individual plots, we would strongly urge the Council to ensure that the proposed new footprint, if minded to approve, does not exceed this figure.

In addition, **and notwithstanding our strong objections which we consider should prevail**, it is clearly highly possible for outbuildings to be erected on the plot in the future under the terms of residential permitted development and thereby take the plot coverage above the 15% maximum referred to in para 3.4 of the MPCAA to the consequential detriment of the openness of the site.

In light of these material planning factors, we would therefore request the Council, if minded to approve, should impose a planning condition, to secure the removal of all residential permitted development rights for all future development at the site in the interests of protecting the site from a greater degree of plot coverage and resultant unacceptable loss of openness.

4. We wish to register our strong concerns in regard to the proposed substantial basement that is indicated in the application to cover a large proportion of the footprint of the dwelling, especially in the context of the provisions and concerns expressed in paragraph 3.8 of the approved MPCAA.

We note that some information regarding a flood risk assessment (FRA) has been submitted with the application. Nevertheless, we specifically wish to highlight that para 3.8 of the MPCAA refers, inter alia, to concerns over the potential disruption from the

construction of basements to underground water courses and the consequential need for local FRAs that specifically seek to ensure that:-

- (i) no surface water flooding will occur as a result of the basement construction and
- (ii) that there will be no material harm to any underground water course(s) in the vicinity of the site as a result of the basement construction.

In light of the above, the Council is respectfully reminded that it has been agreed between representatives of Moor Park (1958) Ltd and senior Council planning officers, with effect from August 2016, that a **new informative** (dealing with two specific issues referred to above) can be applied in regard to development schemes on the Moor Park estate that incorporate basement proposals.

With this in mind, and in light of the fact that a very substantial basement is included in the proposed development, we would request if the Council is minded to approve the scheme, that the "new basement informative" should be applied in this case.

5. Finally, while overlooking and resultant loss of privacy to neighbouring properties is normally an issue for neighbours to comment on, we are mindful of the proposal to incorporate a large first floor balcony at the rear of the extended property, plus a large raised rear terrace across the full width of the property that projects a distance of four metres from the rear wall of the dwelling. We consider that if there is any prospect of any material loss of privacy, by reason of the overlooking from any part of the balcony or from the raised terrace, we would ask the Council to have specific regard to this important issue and to seek appropriate amendments (or the removal of both) prior to the determination of this application.

4.1.3 Conservation Officer – [Objection]

Previous conservation comments were made last year (17/2500/FUL and an earlier application 17/1537/FUL).

This amended application has been slightly reduced and my objection remains. However, I understand that due to an appeal at an adjacent property, it may be difficult to refuse this application.

I still consider this proposal is overly bulky and poor design in the Conservation Area.

4.1.4 Herts and Middlesex Wildlife Trust: [Objection]

Bat surveys have not been completed. Surveys must be completed and definitive mitigation put forward before decision can be made - in accordance with ODPM circular 06/05 and BS 42020.

The Preliminary Roost Assessment identifies the probable presence of a bat roost and recommends that more surveys are required (Arbtech 13/10/2017).

ODPM circular 06/05 (para 99) is explicit in stating that where there is a reasonable likelihood of the presence of protected species it is essential that the extent that they are affected by the development is established before planning permission is granted, otherwise all material considerations cannot have been addressed in making the decision.

LPAs have a duty to consider the application of the Conservation of Habitats and Species Regulations 2010 in the application of all their functions. If the LPA has not asked for survey where there was a reasonable likelihood of EPS it has not acted lawfully. R (on the application of Simon Woolley v Cheshire East Borough Council) established that planning authorities are legally obligated to have regard to the requirements of the EC Habitats

Directive when deciding whether to grant planning permission where species protected by European Law may be harmed.

BS 42020 8.1 states that planning decisions must be based on adequate information to assess impacts on biodiversity.

Therefore this application should not be determined until surveys have been completed as stated in the submitted ecological report. When these have been completed, any measures that are identified as being required to avoid, mitigate or compensate for impacts must be clearly stated and written on plans before the application can be approved.

It may be possible to reach a decision before the bat activity season begins if worst case scenario mitigation measures are put forward and approved. These can then be conditioned in a planning decision.

Following receipt of these comments, the applicant has instructed Arbtech to prepare an Outline Mitigation Strategy for review.

4.1.5 Herts Ecology: [No comments received]

4.1.6 National Grid: [No comments received]

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 5 No responses received: 1

4.2.2 Site Notice - Posted 25.04.2018 Expired: 16.05.2018
Press Notice - Published 20.04.2018 Expired: 11.05.2018

4.2.3 Summary of Responses:

- Flood Risk
- Impact on Bats
- Existing property adds character to the Moor Park Conservation Area.

5. Reason for Delay

5.1 None

6. Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

On 27 March 2012, the framework of government guidance in the form of Planning Policy Statements and Planning Policy Guidance Notes was replaced by the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

6.2 The Three Rivers Local Plan

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP9, CP10 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM3, DM6, DM8 and DM13 and Appendices 2 and 5

6.3 Other

The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

The Localism Act received Royal Assent on 15 November 2011. The growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

The Moor Park Conservation Area Appraisal was approved by the Executive Committee of the Council on the 27th November 2006 as a material planning consideration in the determination of planning applications and as a basis for developing initiatives to preserve and/or enhance the Moor Park Conservation Area. The Appraisal was subject to public consultation between July and October 2006 and highlights the special architectural and historic interest that justifies the designation and subsequent protection of the Conservation Area.

7. **Planning Analysis**

7.1 Design & Impact on Street Scene & Conservation Area

7.1.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness. Policy CP12 relates to design and states that in seeking a high standard of design, the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'conserve and enhance natural and heritage assets'.

7.1.2 Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) seek to ensure that development does not lead to a gradual deterioration in the quality of the built environment. The Design Guidelines outlined at Appendix 2 states that extensions must not be excessively prominent in relation to adjacent properties or to the general street scene and should respect the character of the property/street scene particularly with regard to the roof form, positioning and style of windows and doors, and materials. Two storey rear extensions will be assessed on their individual merits in terms of size and volume, according to the characteristics of the particular property.

- 7.1.3 Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) seek to ensure that development does not lead to a gradual deterioration in the quality of the built environment. The Design Guidelines outlined at Appendix 2 states that extensions must not be excessively prominent in relation to adjacent properties or to the general street scene and should respect the character of the property/street scene particularly with regard to the roof form, positioning and style of windows and doors, and materials. Two storey rear extensions will be assessed on their individual merits in terms of size and volume, according to the characteristics of the particular property.
- 7.1.4 As the site is located within the Moor Park Conservation Area, Policy DM3 of the Development Management Policies LDD (adopted July 2013) is also applicable. Policy DM3 sets out that within Conservation Areas, development will only be permitted if the proposal is of a scale and design that preserves or enhances the character and appearance of the area. In addition, the Moor Park Conservation Area Appraisal (2006) provides supplementary planning guidance and is a material planning consideration in the assessment of applications within the Moor Park Conservation Area.
- 7.1.5 The application site contains a pre-1958 dwelling; the Appraisal states that the Council will give a high priority to retaining buildings which make a positive contribution to the character and appearance of the Conservation Area. The Conservation Area Appraisal comments that as a guide, the Council will seek the retention of buildings on the estate erected up to 1958 when the original estate company was wound up.
- 7.1.6 The Conservation Area Appraisal states at section 3.4 that; "The bulk and massing of large extensions or replacement houses will also be considered in terms of consistency with the characteristic building form of the Conservation Area".
- 7.1.7 The Conservation Officer was consulted on the application and raised an objection to the proposed development considering that the proposal is overly bulky and poor design in the Conservation Area. However, for the reasons set out below and with regard to recent appeal decisions the proposed development is considered, on balance, to be acceptable.
- 7.1.8 The proposed development would be primarily located to the rear of the application dwelling. Whilst there would be an extension to the width of the main ridge of the dwelling and the removal of the half-hipped feature and a small increase in width to the ground floor mono-pitched roof of the set down two storey element; the principal elevation of the pre-1958 building would not be significantly altered with existing features retained, such as the chimney and central two storey gable timber feature. Amended plans were received during the course of the application to reduce the width of the extension to the main ridge from 1.4 metres to 0.7 metres. Whilst comments regarding the extent of demolition of the original dwelling from Moor Park 1958 Ltd. are noted, the principal elevation of the dwelling would remain intact and the submitted floor plans indicate which walls are to be removed and retained and show that a significant proportion of existing walls would be retained.
- 7.1.9 Section 3.4 of the Appraisal refers to building frontage width and plot coverage. The guidance aims at maintaining the spacious, open character of the estate, avoiding over-development of plots, and preventing overshadowing and overlooking of nearby properties. It requires that buildings are not wider than 80% of the plot width and have a minimum space of 1.5 metres between the flank elevations of houses and the side boundaries to their sites. It also requires that buildings (including outbuildings; garages, car ports etc.) should not cover more than 15% of the plot area.
- 7.1.10 The application site measures approximately 3400sq. metres in size. As existing the building footprint (including the detached garage) measures approximately 320sq. metres. The proposed development would result in an increase of 146sq. metres to the footprint of the application dwelling resulting in a total of 466sq. metres. This equates to

approximately 13.7% plot coverage, which meets the requirements of the Moor Park Conservation Appraisal.

- 7.1.11 With regards to the plot width coverage, whilst there are extensive works to the application dwelling, the width of the dwelling would remain unchanged. The plot width measures approximately 33 metres and the dwelling has a front building line width of 24 metres which would equate to a 73% plot width coverage which conforms with the Moor Park Conservation Area Appraisal. Furthermore, there would be a separation distance of between ranging between 1.5-3 metres retained between the walls of the application building and the flank boundaries, ensuring sufficient spacing is maintained around the dwelling in interest of preserving the spacious and open character of the Conservation Area.
- 7.1.12 In considering the bulk and massing of the proposed two storey rear extension, the rear extension would not extend beyond either flank walls of the host dwelling. At its deepest point, the two storey extension would have a depth of 6.1 metres at ground floor level and 5.2 metres at first floor from the rear elevation of the host dwelling which is not considered to be excessive in comparison to the depth of the host dwelling or when viewed in the context of the site as a whole. The pitched and hipped roof form would also reduce the bulk and massing of the two storey rear extension when viewed from the north. In addition, the application dwelling is set back from Astons Road by approximately 28-30 metres and this setback distance would reduce the prominence of the extension within the street scene. The rear extension would have a traditional pitched and hipped roof form and would not result in an increase to the existing flat roof form of the application dwelling.
- 7.1.13 Paragraph 3.8 of the MPCA refers specifically to the construction of basements and advises that these should not be visible from the street scene. The proposed basement would be positioned underneath the existing dwelling, and would not increase the visible footprint of the dwelling. Its siting is such that it would not be visible from the street and this aspect of the proposal would comply with the requirements of the Conservation Area Appraisal in this regard. As a result of the land level changes from front to rear, the dwelling the basement would become visible and therefore the application dwelling would have a three storey appearance when viewed from the rear. However, there are other examples of basements which create a three storey appearance to the dwellings when viewed from the rear, such as at 35 Astons Road.
- 7.1.14 The proposal also includes two dormer windows within the rear roof slope of the main roof and a third dormer within the rear roof slope of the two storey element. The Moor Park Conservation Area Appraisal states that for good proportions and balance, dormers should appear subservient to the roof, placed well down from the main ridge and should have smaller windows than the main fenestration (as a guide, not more than two thirds the latter's height and width). The dormers proposed are of a size and scale which are considered subordinate additions within the roof. They are set down from the main ridge and contain windows which are smaller than the main fenestration.
- 7.1.15 It is accepted that the proposed development would significantly alter the appearance of the rear elevation and would include significant amount of glazing to all levels. Amended plans were requested to reduce the extent of glazing and plans were received proposing a reduction at basement/lower ground floor level. Whilst it is noted that there is a still large amount of glazing proposed, regard is had to the development granted on appeal at 35 Astons Road reference APP/P1940/A/10/2125672 and APP/P1940/E/10/2126337 which included a similar amount of glazing within the rear elevation.
- 7.1.16 The comments and concerns raised by Moor Park 1958 Ltd and the Conservation Officer are noted. However, the appeal decision at 35 Astons Road is a material consideration which must be taken into consideration in the assessment of this application. The significance of the existing building is recognised, however, for the reasons set out above

the proposal on its own merits is considered acceptable and the proposed changes are not considered to significantly detract from the character or appearance of the dwelling to justify the refusal of planning permission.

7.2 Impact on amenity of neighbours

- 7.2.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'.
- 7.2.2 Policy DM1 and Appendix 2 of the Development Management Policies document set out that residential development should not result in loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties. To ensure that loss of light would not occur to the habitable rooms of neighbouring dwellings as a result of new development, the Design Criteria at Appendix 2 of the Development Management Policies LDD advise that two storey development should not intrude into a 45 degree splay line across the rear garden from a point on the joint boundary, level with the rear wall of the adjacent property. This principle is dependent on the spacing and relative positions of properties and consideration will be given to the juxtaposition of properties, land levels and the position of windows and development on neighbouring properties.
- 7.2.3 In relation to 29 Astons Road, the proposed two storey rear extension would be set off the shared boundary with this neighbour by 1.6 metres and would not extend beyond the rear elevation of this neighbour by a significant distance. As such the proposed development would not intrude a 45 degree splay line in relation to this neighbour. It is therefore not considered that the proposed development would result in any significant loss of light or become an overbearing form of development towards the residential amenities of this neighbour.
- 7.2.4 With regard to 33 Astons Road, this neighbouring property shares a relatively uniform front building line with the application dwelling; however the application dwelling as existing extends deeper into its plot than this neighbour to the south. The proposed single storey rear extension would have a maximum depth of 1.8 metres and the basement level would extend to a depth of 4.5 metres and would be set off the shared boundary with 33 Astons Road by approximately 4 metres. Given the distance between the application dwelling and this neighbour to the south, it is not considered that this proposed extension would result in a loss of light or become overbearing towards to the residential amenities of this neighbour.
- 7.2.5 With regards to overlooking, the proposed development does not include any additional glazing to either flank elevations at either ground or first floor levels. The glazing proposed within the rear elevation, including the three dormers within the rear roofslopes would primarily overlook the private amenity space of the application site and there is a distance of approximately 80 metres to the rear of the site which backs onto 38 Russell Road preventing any direct overlooking towards this neighbour.
- 7.2.6 The proposed development would include a raised terrace area above the lower ground floor extension and a first floor balcony. The submitted plans indicate that screening would be provided to either flank of the terrace to prevent overlooking towards neighbouring amenity. Subject to a condition requiring details of screening to a height of 1.8m as measured from the surface of the raised terrace to be erected to either flank of the terrace to be submitted to and approved in writing by the Local Planning Authority and installed and maintained thereafter, no objection is raised. Whilst the proposal includes a first floor balcony, it would be replacing an existing balcony. Amended plans were received during the application process to reduce the width of the first floor balcony so that it would not extend up to the south elevation and would remain in a central location within the rear

elevation similar to the existing balcony and would therefore not result in any additional harm in terms of overlooking towards neighbouring amenities in comparison to the existing balcony.

7.2.7 Given the set back of the proposed development from Astons Road and the separation provided to neighbours to the west of Astons Road by the highway, it is not considered that the proposal would result in overlooking or loss of privacy to these neighbours.

7.2.8 In summary, subject to conditions on any consent, it is not considered that the proposed development would result in unacceptable adverse impacts on the residential amenity of any neighbouring dwellings so as to justify refusal of the development which would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies document.

7.3 Amenity Space

7.3.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space. Section 3 (Amenity Space) of Appendix 2 of the Development Management Policies document provides indicative levels of amenity/garden space provision. The existing private amenity space measures approximately 2500sq. metres which is well in excess of the standards for a dwelling of this size.

7.4 Wildlife and Biodiversity

7.4.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.

7.4.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies LDD.

7.4.3 The application has been submitted with a Biodiversity Checklist and Preliminary Roost Assessment undertaken by Arbtech dated October 2017.

7.4.4 Both Herts Ecology and Herts & Middlesex Wildlife Trust (HMWT) were consulted on the application. HMWT raised an objection to the proposed development requiring dusk emergence / dawn re-entry bat surveys to be undertaken before determination of the application in line with the recommendations of the report from Arbtech. At the time the comments were made HMWT acknowledged that it was an unfavourable time of year to undertake these bat activity surveys and as such suggested that an Outline Mitigation Strategy with appropriate recommendations included be submitted to allow the LPA to fully consider the impact of the proposals on bats. The applicant has provided an Outline Mitigation Strategy which is currently under review.

7.5 Trees and Landscaping

7.5.1 Policy CP12 of the Core Strategy expects development proposals to 'have regard to the character, amenities and quality of an area', to 'conserve and enhance natural and heritage assets' and to 'ensure the development is adequately landscaped and is designed to retain, enhance or improve important existing natural features'.

7.5.2 Policy DM6 of the Development Management Policies document sets out requirements in relation to trees, woodlands and landscaping and sets out that:

- i) Proposals for new development should be submitted with landscaping proposals which seek to retain trees and other important landscape and nature conservation features. Landscaping proposals should also include new trees and other planting to enhance the landscape of the site and its surroundings as appropriate.
- ii) Development proposals on sites which contain existing trees and hedgerows will be expected to retain as many trees and hedgerows as possible, particularly those of local amenity or nature conservation value or hedgerows considered to meet the Hedgerow Regulations 1997.
- iii) Development proposals should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development in accordance with the relevant standards.
- iv) Development should be designed in such a way as to allow trees and hedgerows to grow to maturity without causing undue problems of visibility, shading or damage. Development likely to result in future requests for significant topping, lopping or felling will be refused.
- v) Planning permission will be refused for any development resulting in the loss or deterioration to protected woodland (including ancient woodland), protected trees (including aged or veteran trees) and hedgerows, unless conditions can be imposed to secure their protection.

7.5.3 The application site contains a number of trees which are protected as a result of the Conservation Area designation; however no trees within or around the site will be affected by the proposed development.

7.6 Parking Provision

7.6.1 Core Strategy Policy CP10 requires development to demonstrate that it will provide a safe and adequate means of access. Policy CP10 requires development to make adequate provision for all users including car and other vehicle parking and parking standards are set out in Policy DM13 and Appendix 5 of the Development Management Policies document. The proposed development would result in the dwelling containing six bedrooms. The parking standards set out that three off-street parking spaces should be provided within the curtilage of a dwelling of four or more bedrooms.

7.6.2 The application site benefits from large carriage driveway which could accommodate space for at least four vehicles. As such, sufficient off-street parking would be provided within the curtilage of the site.

7.7 Infrastructure Contributions

7.7.1 Policy CP8 of the Core Strategy requires development to make adequate contribution to infrastructure and services. The Three Rivers Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on 1 April 2015. CIL is therefore applicable to this scheme. The Charging Schedule sets out that the application site is within 'Area A' within which the charge per sq.m of residential development is £180.

7.8 Flood Risk:

7.8.1 The application site is not located within an area of flood risk and a Flood Risk Assessment would not generally be required for development of the scale proposed. However, the proposed dwelling includes a basement and the Moor Park Conservation Area Appraisal advises that proposals including basements should be submitted with a Flood Risk Assessment detailing the effect of proposals on any existing underground watercourses.

- 7.8.2 The application is accompanied by a Flood Risk Assessment. The Flood Risk Assessment indicates that the site will not be at significant risk of flooding or increase flood risk to others. As a consequence it is not considered that the development would have an adverse impact on areas at risk of flooding or would be subject to unacceptable risk of flooding and would be acceptable in accordance with Core Strategy Policy CP1 and Policy DM8 of the Development Management Policies document, however an informative would highlight the need to ensure that development does not result in flooding.

8. Recommendation

- 8.1 That PLANNING PERMISSION BE GRANTED, subject to the following conditions.

- C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.

- C2 The development hereby permitted shall be carried out in accordance with the following approved plans: TS17-080M1 1 of 2, TS17-080M2 2 of 2, TS17-080M3 1 of 4, TS17-080M4 2 of 4, TS17-080M5 3 of 4, TS17-080M6 4 of 4, TS17-080M7 1 of 1, 5480/PL/LP, 5480-PL01 REV-B, 5480-PL02 REV-C, 5480-PL03 REV-B, 5480-PL05 REV-B, 5480-PL06 REV-B.

Reason: For the avoidance of doubt and in the proper interests of planning and to safeguard the character and appearance of the Conservation Area in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3, DM6, DM8, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and the Moor Park Conservation Area Appraisal (2006).

- C3 All new works or making good to the retained fabric shall be finished to match in size, colour, texture and profile those of the existing building.

Reason: To ensure that the external appearance of the dwelling is satisfactory in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1 and DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C4 Prior to occupation of the development hereby permitted, details of screening to a height of 1.8m as measured from the surface of the raised terrace to be erected to the flanks of the raised terrace shall be submitted to and approved in writing by the Local Planning Authority. The screening shall be erected prior to occupation in accordance with the approved details, and maintained as such thereafter.

Reason: To safeguard the amenities of the occupiers of neighbouring residential properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

8.2 Informatives

- I1 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £116 per

request (or £34 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. It is a requirement under Regulation 67 (1), Regulation 42B(6) (in the case of residential annexes or extensions), and Regulation 54B(6) for self-build housing) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work.

- 12 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 13 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.